

Providence City Planning Commission Agenda  
Providence City Office Building, 15 South Main, Providence UT 84332  
July 8, 2015

The Providence City Planning Commission will begin discussing the following agenda items at 6:00 p.m.  
Anyone interested is invited to attend.

**Approval of the Minutes:**

Item No. 1. The Providence City Planning Commission will consider for approval the minutes of June 24, 2015.

**Action Items:**

**Study Items:**

Item No. 1. Proposed Code Amendment: The Providence City Planning Commission will discuss a proposed code amendment to Providence City Code Title 10 Zoning Regulations, Chapter 8 Area Regulations and Parking Requirements, Section 3 Setbacks allowing an uncovered porch to extend into the front yard setback.

Item No. 2. Proposed General Plan Amendments: The Providence City Planning Commission will discuss possible amendments for the zoning element of the Providence City general plan; including the zoning districts for future annexation and future rezone of existing districts.

Staff Reports: Any items presented by Providence City Staff will be presented as informational only.

Commission Reports: Items presented by the Commission Members will be presented as informational only; no formal action will be taken.

Agenda posted by Skarlet Bankhead on July 6, 2015.

  
Skarlet Bankhead  
City Recorder

If you have a disability and/or need special assistance while attending the Providence City Planning Commission meeting, please call 435-752-9441 before 5:00 p.m. on the day of the meeting.

Pursuant to Utah Code 52-4-207 Electronic Meetings – Authorization – Requirements the following notice is hereby given:

- Providence City Ordinance Modification 016-2006, adopted 11/14/2006, allows Planning Commission Member(s) to attend by teleconference.
- The anchor location for this meeting is: Providence City Office Building, 15 South Main, Providence, UT.
- Member(s) may be connected to the electronic meeting by teleconference.

Providence City Council Members may be in attendance at this meeting; however, no Council action will be taken even if a Quorum exists.

1 **Providence City Planning Commission Minutes**  
2 **Providence City Office Building**  
3 **15 South Main, Providence UT 84332**  
4 **June 24, 2015 6:00 pm**  
5

6 Chairman: Larry Raymond  
7 Attendance: Kirk Allen, Wendy Simmons  
8 Excused: Heather Hansen, Robert James, Sherman Sanders  
9

10 **Approval of the Minutes:**

11 **Item No. 1.** The Providence City Planning Commission will consider for approval the minutes of May 27, 2015.

12 **Motion to approve the minutes: K Allen, second – W Simmons**

- 13
  - Page 1, line 29 – as per instead of a per.

14 **Vote:** Yea: K Allen, L Raymond, W Simmons  
15 Nay: None  
16 Abstained: None  
17 Excused: H Hansen, R James, S Sanders

18 **Action Items:**

19 **Item No. 1. Proposed Preliminary Plat:** The Providence City Planning Commission will consider for approval, a  
20 proposed preliminary plat for the Zollinger Subdivision; a 2-lot residential subdivision. The property is located at  
21 approximately 240 South 325 West, Providence.

- 22
  - L Raymond – this has been approved by the city executive staff.
  - K Allen asked if the owners had responded to all requests from City Executive Staff. S Bankhead said they had.

25 **Motion to approve the proposed preliminary plat for the Zollinger subdivision as presented and approved by the  
26 City Executive Staff: K Allen, second – W Simmons**

27 **Vote:** Yea: K Allen, L Raymond, W Simmons  
28 Nay: None  
29 Abstained: None  
30 Excused: H Hansen, R James, S Sanders

31 **Item No. 2. Proposed Code Amendment:** The Providence City Planning Commission will consider for  
32 recommendation to the City Council, proposed code amendments to Providence City Code Title 10 Zoning  
33 Regulations, Chapter 5 Overlay Zones regarding Hazard slope zones, engineering geotechnical report, and  
34 disclosures of other natural hazards.

- 35
  - L Raymond – proposed changes to 10-5-4.A.4 - contours need to show natural ground, existing conditions and proposed conditions. K Allen thought this was a good idea.
  - S Bankhead discussed this with Max Pearce. They reviewed definitions from other communities' ordinances and used them to come up with the proposed text.
  - K Allen asked if the city has a sensitive overlay zone defined in the general plan.
  - S Bankhead said the general map shows the different sensitive overlays with flood plains, fault locations, hazard slope zones, etc., but by adopting this current ordinance, the map will need to be expanded.
  - K Allen asked where the fault zone is. S Bankhead said it is on Providence's side of the deer fence. It has been identified.

44 **Motion to recommend that City Council accept Title 10 Zoning Regulations, Chapter 5 Overlay Zones regarding  
45 hazard slope zones, engineering geotechnical report, and disclosures of other natural hazards: W Simmons,  
46 second – K Allen**

47 **Vote:** Yea: K Allen, L Raymond, W Simmons  
48 Nay: None  
49 Abstained: None  
50 Excused: H Hansen, R James, S Sanders

51 **Study Items:**

52 **Item No. 1. Proposed General Plan Amendments:** The Providence City Planning Commission will discuss possible  
53 amendments for the zoning element of the Providence City general plan; including the zoning districts for future  
54 annexation and future rezone of existing districts.

- L Raymond said Skarlet did some research and found information from Portland, Oregon regarding mixed zones. Areas accessible by auto are separated from areas accessible by pedestrians.
- K Allen said there is a lot of pedestrian activity near the roundabout by residents. It is zoned CGD.
- S Bankhead said combining mixed commercial and manufacturing zones is something that could be looked at. CGD could include some industrial uses by conditional use permit so it could be limited in size to make it compatible with the area.
- K Allen thought the wetlands by Tractor Supply would be a good place to put in a walking path. As the city continues to develop the CHD, it would be nice to have some walk ways.
- S Bankhead said the current principle at Amsource would like to see something with restaurants and a foot path in that area. The mixed use district along the east side of the Amsource property could be incorporated in to the CHD with pedestrian walkways. K Allen felt foot traffic could benefit both Amsource and Alder Square.
- L Raymond asked when the Commission wanted to meet with Historical Preservation Commission.
- S Bankhead said they won't meet in July so August would be the first meeting they could meet.
- The Commissioners looked at the proposed annexations maps from Logan, Millville and River Heights.
- L Raymond said River Heights has declared for annexation some of the same area that Providence has declared for.
- S Bankhead said property owners will decide which municipality is more economical for them to annex into.
- K Allen asked if Providence provides water for Stan Checketts' property. S Bankhead said water rights have been dedicated, but they are being held by Stan until they bring in final plats.
- K Allen said Millville's general plan shows them connecting to Providence City trails.
- S Bankhead said Millville and Nibley are both planning on city trails. Providence only has one. It is difficult to get trails developed because people like to walk on them, but they don't want them in their back yards. Also, developers don't want to dedicate land for trails. The interior part of town has been difficult.
- L Raymond asked what would be needed to rezone some areas in Providence to allow for convenience store types of businesses in residential areas. S Bankhead said once the definitions are written and a commercial neighborhood zone is established it will be easier to incorporate some of those zones.

**Staff Reports:** Any items presented by Providence City Staff will be presented as informational only.

- S Bankhead said the City Council approved the deck ordinance. During that meeting, Jeff Baldwin brought up the fact that he has concerns with front porches. Often they are limited in how far they can extend into the front yard and this can create a space so small it is not a safe landing area. The City Council would like Planning Commission to look at the front porch set back and allow porches to extend into front yards similar to what was done in back yards for decks.
- K Allen asked how long the hole in 4<sup>th</sup> east was going to be allowed to sit.
- S Bankhead said R Eck is waiting for everything to settle before he goes in to repair it. It has had a couple of previous repairs, but they failed during the warranty periods. 1000 South is going to get fixed very soon. It appears it is no longer sinking.

**Commission Reports:** Items presented by the Commission Members will be presented as informational only; no formal action will be taken.

- No commission reports.

**Motion to adjourn: W Simmons, second – K Allen**

**Vote:**    **Yea:**                      **K Allen, L Raymond, W Simmons**  
               **Nay:**                        **None**  
               **Abstained:**            **None**  
               **Excused:**                **H Hansen, R James, S Sanders**

Minutes prepared by C Craven.

\_\_\_\_\_  
 Larry Raymond, Chairman

\_\_\_\_\_  
 Caroline Craven, Secretary

## CHAPTER 8

### AREA REGULATIONS AND PARKING REQUIREMENTS

#### SECTION:

- 10-8-1: Area Regulations
- 10-8-2: Lot Size
- 10-8-3: Setbacks
- 10-8-4: Height
- 10-8-5: Commercial Zoned Districts; Site Development
- 10-8-6: Parking Regulations
- 10-8-7: Site Requirements for Seasonal, Semi-Permanent, and Temporary Business Facilities
- 10-8-8: Low Power Towers and Antennas for Radio Communication

10-8-1: **AREA REGULATIONS:** Except as herein provided, no building, structure or part thereof shall be erected, altered or converted for any use permitted in the district in which it is located unless it is in conformance with all of the minimum regulations specified on the space requirement chart shown below.

#### SPACE REQUIREMENT CHART

	AGR	SFE	SFL	SFT	SFR	SFM	SFH	SMH
Detached Accessory Uses								
Front yard, ft.	25	30	30	30	30	25	25	20
Side yard, interior	10	5	5	5	5	5	5	5
Side yard, street	20	20	20	20	20	20	20	20
Rear yard	10	5	5	5	5	5	5	5
Distance between residential structures on same lot:	20	10		10				
Height:								
Principal Use, Max. hgt. ft.	35	35	35	35	35	35	35	35
Accessory Use, ft. max.	35	35	35	35	35	35	35	35
Principal Use, ft. min	10	10	10	10	10	10	10	10
Fences – non game (max. height)								
Front yard, ft.	4	4	4	4	4	4	4	4
Side yard, interior	8	6	6	6	6	6	6	8



Side yard, street	6^	6^	6^	6^	6^	6^	6^	6^
Rear yard	8	6	6	6	6	6	6	8
Fences – game								
Front yard, ft.	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed
Side yard, interior	8	8	8	8	8	8	8	8
Side yard, street	8^	8^	8^	8^	8^	8^	8^	8^
Rear yard	8	8	8	8	8	8	8	8

Lot Size	AGR	SFE	SFL	SFT	SFR	SFM	SFH	SMH
Min. lot area, square feet	5 ac	1 ac	20,500	12,000	10,000	8,000	6,000	5,000
Min. lot width (measured at setback line)	150	120	100	95	80	70	60	50
Min. lot area increase	5 ac	1 ac	No add'l	No add'l	2,000	4,000		
ea. Add'l unit, square feet			Units	units				
Max. units/ac excluding ROW, infrastructure^	0.2	1	2.13	3.75	4.5	5.5	5.5	8.5
Max. lot area per ea. Twin home, square feet^^					6,000	6,000		
Min. lot width, each unit (measured at setback line)					47.5'	47.5'		
<b>Setbacks</b>								
Principal uses:								
Front yard, ft.	25	^^	^^	^^	^^	25	20	20
Side yard, interior	25	20	10	10	10*	10	5###	5###
Side yard, street (OM 033-2004)	25	20	20	20	20	20	15	15
Rear yard	25	^^	^^	^^	^^	20	20	10

\*See subsection 10-8-3B5 of this Chapter for further regulation and explanation.

\*\*See subsection 10-8-3B9 of this Chapter for further regulation and explanation.

\*\*\*See subsection 10-8-3C7 of this Chapter for further regulation and explanation.

#See subsection 10-8-3B4 of this Chapter for further regulation and explanation.

##See subsection 10-8-3C2, C3, and C4 of this Chapter for further regulation and explanation.

###See subsection 10-8-3B10 of this Chapter for further regulation and explanation. New sub-paragraph

^Infrastructure is defined to include rights-of-way, PUB, and REC districts within development.

^^Lots of record for twin homes are limited to 20% of total lots in development.

^^^Principal Uses are allowed a combination front and rear yard setback totaling at least 50 feet, with a minimum front or rear yard setback of 20 feet.

^^^^See subsection 10-9-2

Lot Size	MFR	MFM	MFH	CND	CGD	CHD	MXD	PUB	REC
Min. lot area, square feet	10,000								
Min. lot width (measured at setback line)	80								
Min. lot area increase									
ea. Add'l unit, square feet									
Max. units/ac excluding	7.25	12	18						
ROW, infrastructure^									
Max. lot area per									
ea. Twin home, square feet^^	5,000								
Min. lot width, each unit	40.0'								
(measured at setback line)									
<b>Setbacks</b>									
Principal uses:									
Front yard, ft.	25	25	25	30	35	35			
Side yard, interior	10**	10**	10**	10	#	#		#	#
Side yard, street	20**	20**	20**	20	#	#		#	#
Rear yard	20***	10***	10***	20	#	#		##	##
Detached Accessory Uses:									
Front yard, ft.	25	25	25	30	35	35			
Side yard, interior	5	5	10	5	10	10		#	#

Lot Size	MFR	MFM	MFH	CND	CGD	CHD	MXD	PUB	REC
Side yard, street	20	20	25	20	10	10		#	#
Rear yard	5	5	5	5	10	10		##	##
Distance between residential structures on same lot:									
Height:									
Principal Use, Max. hgt. ft.	35	IBC	IBC	IBC	IBC	IBC	IBC	IBC	IBC
Accessory Use, ft. max.	35	IBC	IBC	IBC	IBC	IBC	ICB	IBC	IBC
Principal Use, ft. min	10	10	10	10	10	10	10	10	10
Fences (max. height)									
Front yard, ft.	6 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	6 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	8 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	6 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	C <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	C <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	6 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	8 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	8 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>
Side yard, interior	8 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	8 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	8 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	6 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	8 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	8 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	6 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	8 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	8 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>
Side yard, street	20 <sup>**</sup>	20 <sup>**</sup>	20 <sup>**</sup>	6 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	C <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	C <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	6 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	8 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	8 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>
Rear yard	20 <sup>***</sup>	10 <sup>***</sup>	10 <sup>***</sup>	6	8	8		8	8

\*See subsection 10-8-3B5 of this Chapter for further regulation and explanation.

\*\*See subsection 10-8-3B9 of this Chapter for further regulation and explanation.

\*\*\*See subsection 10-8-3C7 of this Chapter for further regulation and explanation.

#See subsection 10-8-3B4 of this Chapter for further regulation and explanation.

##See subsection 10-8-3C2, C3, and C4 of this Chapter for further regulation and explanation.

###See subsection 10-8-3B10 of this Chapter for further regulation and explanation. New subparagraph

<sup>^</sup>Infrastructure is defined to include rights-of-way, PUB, and REC districts within development.

<sup>^^</sup>Lots of record for twin homes are limited to 20% of total lots in development.

<sup>^^^</sup>See subsection 10-9-2

## 10-8-2: LOT SIZE:

### A. Lot Areas – Flexibility Exception:

- The individual lot size must meet the minimum square footage requirements as indicated in the space requirement chart, as set forth in Section 10-8-1 of this Chapter. The following exception applies in a subdivision of six (6) lots or more in SFE, SFL and SFT Zones.

- a. Purpose: To provide a means for desirable development, utilizing public facility space and open space, through the use of variations in lot size and frontage width. This is not intended to increase density.
    - b. The average of all lots must be equal to or greater than the minimum lot size for the zone, excluding non-residential uses such as schools, churches, etc.
    - c. The number of lots cannot exceed the maximum units for the zone.
    - d. A limit of ten percent (10%) of the lots can be less than the minimum lot size and/or reduced frontage width, but no lot can be less than twelve thousand (12,000) square feet in the subdivision and the frontage requirement at the setback line must be a minimum of eighty feet (80').
    - i. In areas that contain sensitive areas and hazard zoned (see Chapter 5 of this Title) thirty percent (30%) of the lots can be less than the minimum lot size and/or reduced frontage width, but no lot can be less than twelve thousand (12,000) square feet in the subdivision and the frontage requirement at the setback line must be the minimum for the zone.
  - 2. Lots having less area than required, which were officially recorded with the Cache County Recorder's office at the effective date hereof, may continue to be used; provided, that all other requirements set forth herein are satisfied. No lot may hereafter be reduced in area below the minimum requirements set forth, except for the provisions of averaging listed in subsection A1 of this Section. (Zon. Ord., 5-8-1991; 1998 Code)
  - 3. A twin home lot size must meet the minimum square footage requirements as indicated in the space requirement chart, as set forth in this Chapter, with the following exceptions:
    - a. Lot size average may be used as listed in subsection A1 of this Section.
    - b. Two adjacent lots with combined area meeting the minimum lot area shown in 10-8-1 plus the minimum lot area for one additional unit may be used to build a single family attached dwelling on each lot. The dwellings area joined at the boundary between the two lots. This applies to zones where single family attached dwellings are permitted. (Ordinance Modification 98-021 10/13/98)
- B. Lot Width: The minimum lot width for uses in each of the zoning districts shall be in accordance with the information indicated on the space requirement chart shown in Section 10-8-1 of this Chapter. A lot having less width than herein required which was a lot officially on record in the office of the Cache County Recorder at the effective date hereof shall be acceptable; provided, that all other requirements set forth herein are satisfied. No lot may hereafter be reduced in width below the minimum requirements set forth.
- 1. Where an allowed side yard setback of a dwelling occurs five (5) feet from the property line, the adjacent dwelling shall maintain a minimum side yard of ten



(10) feet, for a cumulative total dwelling separation of fifteen (15) feet. Each residential lot allowing five (5) foot side yard setback shall be required to have one side yard setback of ten (10) feet. (Ordinance Modification 011-99 04/13/99)

C. Restricted Lots:

1. A restricted lot which meets all the requirements of this Title for a lot, but the creation of which has caused any adjacent lot, from which it was severed, to be insufficient in area, width, setback, yard, space or other requirements may be considered otherwise by adding or designating sufficient acreage to the adjacent lot to meet all the requirements of this Title for a lot. The added or designated land must be duly recorded in the Cache County Recorder's Office before a building permit may be issued.
2. Building permits will not be issued for construction on restricted lots. (Zon. Ord., 5-8-1991)

10-8-3: **SETBACKS:**

A. Front Yard:

1. The minimum required front yard for uses in each of the zoning districts shall be in accordance with information provided on the space requirement chart shown in Section 10-8-1 of this Chapter.
2. The front yard shall be measured from the property line to the front face of the building, attached accessory building, accessory building, covered porch or covered terrace. ~~Steps, A portion of~~ uncovered porches ~~eaves and roof extensions~~ may project into the required front yard ~~for a distance not to exceed four feet (4')~~ no more than  $\frac{1}{2}$  of the distance of the required front yard (ie: required front yard is 20 feet, the uncovered porch can project no more than 10 feet into the required yard). Eaves and roof extensions may project into the required front yard for a distance not to exceed four feet (4').
3. Where a building line has been established by a plat or covenant and such line requires a greater setback than is required by this Title, the building line established by plat or covenant shall prevail.
4. Gasoline service station pump islands may not be located closer than fifty feet (50') to the front property line (see subsection 10-8-6C7 of this Chapter.
5. A porch, stoop or stairs which are thirty inches (30") or greater in height shall be regarded as part of the building. Such porch, stoop or stairs requires a railing of not less than thirty inches (30") in height. This requirement applies to side and rear yards as well.
6. In residential districts, accessory buildings may be placed no closer than twenty five feet (25') to the property line, except in the SMH District which shall require only twenty feet (20').

B. Side Yard:

1. The minimum required side yard for uses in each of the zoning districts shall be in accordance with information provided on the space requirement chart shown in Section 10-8-1 of this Chapter. Where a lawfully existing building at the effective date hereof has a smaller side yard than required herein, said side yard may be altered if said alteration in no way increases the degree of nonconformity and provided all other requirements are satisfied. No side yard may hereafter be reduced below the minimum requirement set forth.
2. Every part of the required side yard shall be open and unobstructed, except for normal projections of window sills, belt courses, cornices, chimneys and other architectural features projecting no more than twenty four inches (24") into the required side yard, roof eaves projecting no more than thirty six inches (36") into the required side yard and accessory buildings occupying no more space of any principal use side yard than that permitted in Section 10-9-6 of this Title.
3. Where a fire wall of a dwelling, garage or carport is located on a property line, the roof shall be so designed and constructed so as not to drain water onto the adjoining lot and except for properties located in the Mixed Use District abutting other properties also located in the Mixed Use District, there shall be one side yard of at least twenty feet (20').
4. Whenever any use or district not normally requiring a side yard adjoins a use or district requiring a side yard, a minimum ten foot (10') side yard shall be maintained.
5. A single family attached dwelling separated by a fire or party wall need not provide a side yard on the fire or party wall side, except that no complex of attached dwelling units shall exceed three hundred feet (300') in length. A minimum side yard of ten feet (10') on the separated side of any attached dwelling unit shall be required so that the end of any two (2) building complexes shall be at least twenty feet (20') apart. (Ordinance Modification 98-021 10/13/1998)
6. A complex of multiple-family dwelling units shall maintain a minimum side yard of ten feet (10') so that any two (2) adjacent complexes shall be at least twenty feet (20') apart and maintain an open corridor for fire and other emergency vehicle access.
7. In residential districts, accessory buildings may be placed no closer than five feet (5') to the side property line if adjacent to a separate lot of record, nor less than twenty feet (20') if adjacent to a public street or road.
8. Gasoline service station pump islands shall be located no closer than twenty feet (20') from the side yard line if adjacent to a separate lot of record, nor less than fifty feet (50') if adjacent to a public street or road.
9. Structures containing four-family units or more shall maintain a minimum side yard equal to fifty percent (50%) of the building height, but in no case less than ten feet (10') if adjacent to a separate lot of record nor less than twenty feet (20') if adjacent to a public street or road.

10. Where an allowed side yard setback of a dwelling occurs five (5) feet from the property line, the adjacent dwelling shall maintain a minimum side yard of ten (10) feet, for a cumulative total dwelling separation of fifteen (15) feet. Each residential lot allowing five (5) foot side yard setback shall be required to have one side yard setback of ten (10) feet. (Ordinance Modification 011-99 04/13/99)
11. Property in a Mixed Use District may have lots which contain no side yards when the buildings on the adjoining lots utilize shared party walls. If the adjoining properties do not share party walls than a minimum of thirty (30) feet is required between adjoining buildings (15 foot side yard on each property.) In the Mixed Use District a thirty (30) foot alley is required a minimum of every 500 feet for access to parking located behind the buildings.

C. Rear Yard:

1. The minimum required rear yard for uses in each of the zoning districts shall be in accordance with information provided on the space requirement chart shown in Section 10-8-1 of this Chapter. Where a lawfully existing building at the effective date hereof has a smaller rear yard than required herein, said rear yard may be altered if said alteration in no way increases the degree of nonconformity and provided all other requirements are satisfied. No rear yard may hereafter be reduced below the minimum requirement set forth.
2. Nonresidential uses which have a rear lot line adjacent to an alley or other public right of way that is at least twenty feet (20') in width requires no minimum rear yard.
3. Nonresidential uses which have a rear lot line adjacent or contiguous to another nonresidential use requires no minimum rear yard, provided the rear wall satisfies fire wall standards.
4. Nonresidential uses abutting or adjacent to a residential district shall maintain a minimum rear yard of twenty feet (20').
5. Normal projections of window sills, belt courses, cornices, chimneys and other architectural features may project no more than twenty four inches (24") into the required rear yard and roof eaves projecting no more than thirty six inches (36") into the required rear yard.
6. A deck is considered as an exterior floor system supported on at least two opposing sides by adjoining structures and/or posts, piers or other independent supports.
  - a. A deck which is less than 120 square feet and less than 30 inches above adjacent grade, and independently supported, will not require a building permit and is not considered part of the main structure.
  - b. An attached covered deck is considered part of the main dwelling and required to meet the associated setbacks.
  - c. A portion of an attached uncovered deck may project into the required rear yard no more than  $\frac{1}{2}$  of the distance of the required rear yard (ie:

required rear yard is 20 feet, the deck can project no more than 10 feet into the required yard); and, the projection may take up no more than 50% the required rear yard. The projection of the deck is included in the overall 25% limitation in Chapter 9 Section 6 of this Title.

- d. Detached decks (designed and constructed having no physical connection to the primary structure) are considered an accessory use; and must be a minimum of five feet (5') from the primary structure.
  - e. No portion of any deck is permitted to be located within an easement or within 5 feet of a property line.
- 7. Accessory buildings may be placed no closer than five feet (5') to the rear property line in residential districts (see Section 10-9-6 of this Title) and no closer than ten feet (10') in nonresidential districts.
  - 8. Structures containing four-family dwelling units or more shall maintain a minimum rear yard equal to fifty percent (50%) of the building height, but in no case less than twenty feet (20'). Zon. Ord., 5-8-1991)

**10-8-4: HEIGHT:**

A. Established: The maximum and minimum heights for principal (or main) structures and the maximum height for accessory structures in each of the zoning districts shall be in accordance with information provided on the space requirement chart shown in Section 10-8-1 of this Chapter. There shall be no minimum height required of accessory structures. Where a lawfully existing building at the effective date hereof has a greater or lesser height than allowed herein, said height may be altered if said alteration in no way increases the degree of nonconformity and provided all other requirements are satisfied.

B. Determination: The height of a building or structure shall be determined as the vertical distance as measured from the highest point of the roof of the building or structure down to a point representative of the average finished grade of the land around the perimeter of the building or structure. (Zon. Ord., 5-8-1991)

**10-8-5: COMMERCIAL ZONED DISTRICTS; SITE DEVELOPMENT:** All site development and landscaping in the commercial zoned districts (~~C1~~) shall conform to the minimum regulations specified herein: (Zon. Ord., 5-8-1991; 1998 Code).

- A. Site Plan Required. A site plan is an architectural plan, landscape architecture document, and a detailed engineering drawing of proposed improvements to a given lot. A site plan shows a building footprint, travelways, parking, drainage facilities, sanitary sewer lines, water lines, trails, lighting, and landscaping and garden elements. Commercial site plans must include:
- 1. Show north arrow, scale, building location, property lines, setbacks, abutting rights-of-way, parking layout, ADA parking and ramps, entrances to site, curbs, water and sewer lines, fire hydrants, fire lanes, storm drain lines and appurtenances.



2. Show all existing fire hydrants within 300 feet.
  3. Show parking/loading computations for proposed use.
  4. Show connectivity with adjacent parking lots and interior private roadways.
  5. Show landscaping computations for proposed use.
  6. Provide elevations with rendered elevations for all elevations. Include color renderings of design concept or intent, site elements, and building facades.
  7. Provide floor plans; include the proposed low floor elevation.
  8. Provide cross-sections of the site showing spatial relationships between all vertical elements (building, trees, berms, Light standards, etc.) as they relate to activities and use of streetscape, pedestrian, and parking areas.
  9. Provide lighting and signage plan for the entire site. Indicate how signs will be illuminated, their design and spatial relationship to other site amenities including buildings, and a graphic example of each type of sign. This does not take the place of a sign permit application.
  10. Provide storm water pollution prevention plan if the site disturbs an acre or more, or is part of a larger development.
  11. Provide cost estimates for site development, including but not limited to: landscaping, parking/loading areas, pedestrian areas.
  12. Summary data indicating the area of the site in the following classification: total area of the lot, total area and percentage of the site utilized by buildings, total area and percentage of the site in landscape area, total area and percentage of the site for parking areas (including the number of parking spaces).
- B. Parking / Parking lots. Private parking lots within any development shall provide interior access to adjacent parking lots and interior private roadways. When new developments are being constructed adjacent to existing businesses the project shall join existing drives and parking lots at property lines. When new developments are proposed adjacent to undeveloped land or underdeveloped areas, the new developments shall construct connections which will allow joining of future roads or parking lots. All accesses between interior lots and roads shall be open to the public for customer parking and access.
1. Visitor, guest or customer drop-off zones and parking shall be provided near visitor or customer entrances into buildings and shall be separated from all-day employee parking.
  2. Parking will not be permitted closer than 15 feet to the property line unless it is decided by the Land Use Authority to be in the best interest of the City to permit parking to be closer than 15 feet. (Ordinance Modification 019-99 07/27/99) A business that locates the parking in the rear of the building rather than the front will be allowed a front yard setback of 15 feet. The standard front yard setback will be used when a business locates the parking in the front of the building. When parking is allowed on the street adjacent

to the building the standard front yard setback applies. (Ordinance Modification 009-2002 06/11/02)

3. Parking aisles shall not exceed forty (40) cars in a row. Total parking area shall be broken down into sections not to exceed one hundred (100) cars. Each section shall be separated by internal drives to improve traffic circulation.
  4. All parking spaces must be designated properly by painter lines or other City-approved methods.
  5. Minimum aisle dimensions (from face of curb to face of curb) shall be: 90° parking – 64 feet; 60° parking – 60 feet; 45° parking – 53 feet
  6. One access shall be allowed per lot, as exists on the effective date hereof, or one access shall be allowed for each one hundred fifty feet (150') of frontage with a maximum of two (2) accesses per street frontage. Minimum distance between accesses shall be one hundred feet (100') and the minimum distance from the street intersection shall be one hundred feet (100'), except for service stations which are approved conditional uses where only two (2) accesses are allowed per lot with one frontage. A third access shall be allowed for the other street frontage on corner lots as long as it meets the frontage and distance requirements above. (OM 006-2005 02/08/05)
  7. Handicap Parking: All private, public and City parking lots shall provide accessible handicap parking. Minimum design, sign and identification of handicap parking spaces shall be as specified in the Utah State Building Board Planning and Design Criteria to Prevent Architectural Barriers for the Aged and Physically Handicapped. (Zon. Ord., 5-8-1991)
- C. Landscaping: All landscaped area shall be planted with live plant material and include a permanent automatic irrigation system. The owner, tenant and agent shall be jointly and individually responsible for the maintenance of all landscaping in good condition and free from refuse and debris so as to present a healthy, neat and orderly appearance. The landscaped public area between the curb, gutter, and sidewalk is not used to meet the landscape requirements. See Title 7 Chapter 1 Section 8 of this code for park strip requirements.
1. Design initiatives.
    - a. To establish landscape themes that include street trees and streetscape designs throughout the City to promote and overall character and identity to the community.
    - b. Promote innovative and cost-conscious approaches to the design, installation, and maintenance of landscaping while encouraging water and energy conservation.
    - c. Promote planting techniques that ensure long term health of plant materials.

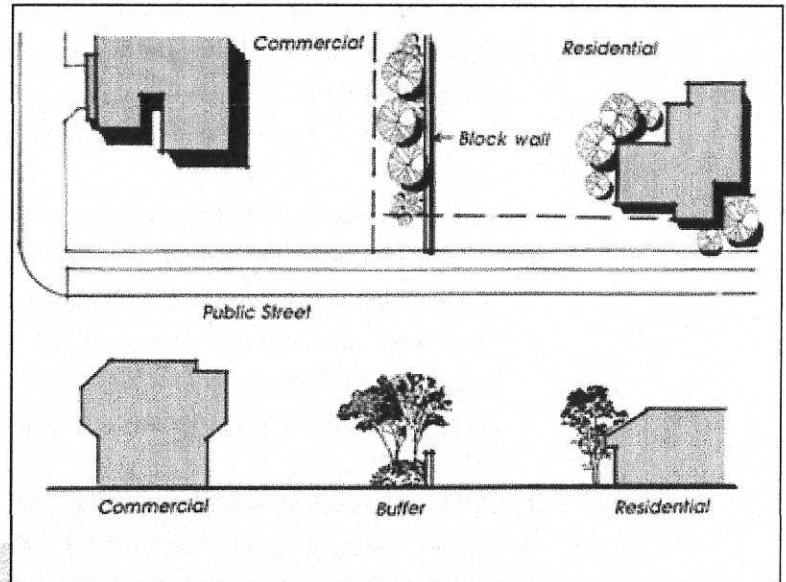
- d. Screen unsightly building structures, equipment or materials from the view of persons on public streets or adjoining properties of incompatible land uses.
- 2. Definitions:
  - a. Buffering: plants placed intermittently against long expanses of building walls, fences, and other barriers to create a softening effect.
  - b. Landscaping: vegetative plantings such as grass, trees, shrubs, vines and related improvements such as pools, walkways, rockwork and sculpture which is of a design that will beautify and enhance a property, control erosion and reduce glare.
  - c. Screening: masonry wall, fence, hedge, berm, or vegetative planning or combination thereof which is of a design (height, width, material, etc.) that will provide a visual and audible barrier between land uses having different intensities of use.
- 3. Large retail buildings (15,000 square feet and larger): shall require at least ten percent (10%) of the total lot be landscaped.
- 4. Retail buildings (detached - less than 15,000 square feet): shall require at least ten percent (10%) of the total lot be landscaped.
  - a. A ten foot (10') wide minimum landscaped area shall be provided around the entire building, with the exception of where loading docks, ramps, etc. are located. Up to five feet (5') of said ten foot (10') minimum may be sidewalk. The Administrative Land Use Authority may provide for an exception to this requirement if soil types make it inadvisable to have irrigation near the building. In such case, the required amount of landscaping shall be provided elsewhere on the property.
- 5. Professional / Office buildings: shall require at least fifteen percent (15%) of the total lot be landscaped.
  - a. A ten foot (10') wide minimum landscaped area shall be provided around the entire building, with the exception of where loading docks, ramps, etc. are located. Up to five feet (5') of said ten foot (10') minimum may be sidewalk. The Administrative Land Use Authority may provide for an exception to this requirement if soil types make it inadvisable to have irrigation near the building. In such case, the required amount of landscaping shall be provided elsewhere on the property.
- 6. Industrial / warehouse buildings: shall require at least ten percent (10%) of the total lot be landscaped.
  - a. A ten foot (10') wide minimum landscaped area shall be provided around the entire building, with the exception of where loading docks, ramps, etc. are located. Up to five feet (5') of said ten foot (10') minimum may be sidewalk. The Administrative Land Use Authority may provide for an exception to this requirement if soil types make it inadvisable to have irrigation near the building. In such case, the required amount of landscaping shall be provided elsewhere on the property.
- 7. Parking Areas: Landscaping in parking area shall be designed to provide the following:

- a. Incorporate appropriate plantings that are in scale with their surroundings.
  - b. Separate roadways, travel paths, pedestrian paths etc. using landscaped islands and /or planter strips.
    - (1) Define area where pedestrians are safely separated from the travel path / roads.
    - (2) Reinforce way-finding by emphasizing entrances and circulations patterns.
  - c. Add aesthetic value, provide canopy shade, reduce radiant heat from the surface, reduce headlight glare, and add seasonal interest.
  - d. When possible, preserve mature trees and other significant landscape features which help define the character of the City.
  - e. When planted parking medians are used, they shall be a minimum of ~~10~~ 6 feet (10' 6') wide.
  - f. Planted islands shall be a minimum of twenty-five (25) square feet.
8. Xeriscape. Xeriscape is landscaping that reduces or eliminates the need for supplemental water from irrigation. It is different from natural landscaping, because the emphasis is on selection of plants for water conservation, not necessarily selecting native plants. Xeriscape landscaping can work well in Utah's desert climate. Xeriscape landscape is not zero-scape; it is an area filled with color, scent and variety. Trees can be used effectively in xeriscape and with property planning, planting, and care, they will thrive in low-water landscape.
9. Low Impact Development (LID). LID is a stormwater management approach with a basic principle that is modeled after nature: manage rainfall at the source using uniformly distributed decentralized micro-scale controls. LID's goal is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source. Developments are encouraged to implement LID's.
10. Trees. One tree (minimum two inch (2") caliper, minimum 10 feet in height) shall be planted and maintained for each one thousand (1,000) square feet of landscaped area. Trees in portable planters shall not qualify to meet the tree requirements.
- a. Trees within overhead utility easements shall be of a type that customarily grows to a height not exceeding fifteen feet.
11. Plants. The selection of plant materials should consider public health and safety. Plants to be avoided include those with poisonous fruits, large thorns, or invasive growth patterns. The ultimate form and height of plantings as they mature should be considered so they will not create unsafe conditions or block sight lines for pedestrians, bicyclists, or motorists.



- a. Planting beds may be mulched with bark chips, decorative stone, or similar materials. Mulch shall not be used as a substitute for plants.

12. Landscaped buffer. A landscaped buffer is defined as a landscaped area whereby trees and other plan materials are used to create a wide, landscaped park- or garden-like area around the perimeter, or in the side and/or rear yard, of a property in order to physically and visually



separate and mitigate undesirable environmental impacts (such as: noise, dust, stormwater, etc.) between commercial zones and residential zones. Generally accepted scale for landscape buffers. The following minimum and maximum width of transitional yards and screening should be used between commercial and residential uses:

- a. Minimum width: 10 feet
  - b. Maximum width: 50 feet
  - c. Where commercial buildings are less than 5,000 square feet in area, a minimum 10 feet buffer is substantial. Otherwise if the building area is greater than 5,000 square feet in area, a landscape buffer should be a minimum 25 feet.
13. Planting materials in the landscape buffer.
    - a. Choose plants that will naturally grow to the desired form or height to reduce maintenance. No limbing up (this will lessen the life and strength of the tree).
    - b. Tree canopies should have a natural growth height of at least 8 feet from the ground when located around areas in the clear-view area (see Chapter 9 of this Title). Tree canopies should have a natural growth height of at least 4 feet from the ground when located around parking areas, walkways, etc.
    - c. New trees and shrubs should be evenly spaced at planting, with trees having an 8-foot minimum installed height, and shrubs having a 36-inch minimum installed height.
    - d. Landscaping in the landscape buffer should consist of a minimum of 6 large maturing trees (minimum 50% evergreen) and 40 medium shrubs (minimum 75% evergreen) for each 100 linear feet, to provide continuous coverage. For dimensions of less than 100 feet, plantings and spacing will be in proportion to the basic ratio.

14. Snow storage. Landscape materials surrounding parking lots and in islands and medians should be able to tolerate large quantities of snow stored during winter months. Delicate plant material should not be used in area where they are likely to be damaged by snow.
15. Lighting. The intent of lighting is to provide the necessary lighting to ensure pedestrian safety, night vision for pedestrians and automobiles, add aesthetic value to the city appearance, and not create or cause excessive glare onto adjacent properties.
  - a. Lighting height and location shall be designed to illuminate the site only. Light cutoffs are required to prevent spillover of direct light.
  - b. Pedestrian street lights or lampposts located within the public right-of-way are required in all commercial zones.
  - c. Pedestrian street lights or lampposts located within the public right-of-way shall be mounted between 8' to 16' above grade to provide illumination of all street sidewalks.
  - d. Pedestrian street lights or lampposts shall reflect the architectural design characteristic of the surrounding area.
  - e. Up-lighting is not permitted, except as approved through the site plan review for highlighting signature landscape features or building elements.
  - f. HID or fluorescent tube lights (except compact fluorescent bulbs) are not permitted as exterior building lights.
  - g. Floodlights or directional lights permitted for the lighting of alleys, parking garages and outdoor working areas must be shielded or directed to prevent the source of light (bulb or lamp) from being seen from adjacent properties or public rights-of-way.
16. All landscape plans submitted for approval shall contain the following information unless specifically waived by the City. At the discretion of the City a final landscaped plan may require a stamp from a Utah Licensed Landscape Architect.
  - a. The location and dimensions of all existing and proposed structures, property lines easements, parking lots and drives, roadways and rights of way, sidewalks, bicycle paths, ground signs, bicycle parking areas, fences, freestanding electrical equipment, tot lots, and other recreation facilities.
  - b. The location, quantity, size and name, both botanical and common names, of all proposed plants.
  - c. The location, size and common names, of all existing plants including trees and other plants in the parkway, and indicating plants to be retained and removed.
  - d. The locations of existing buildings and structures on adjacent property within twenty feet (20') of the site.
  - e. Location and heights of fences and retaining walls proposed on the site.

- f. At the discretion of the City a final irrigation plan may require a stamp from a Utah Licensed Landscape Architect.
17. Completion; Performance Security. No requests for any building, structure or other improvements shall be approved until site and landscape plans have been approved by the Administrative Land Use Authority.
- a. Landscaping and site developments in accordance with the approved plans shall be installed within thirty (30) days following occupancy of the building.
  - b. If said completion date is impossible due to adverse weather conditions, a mutually agreed upon completion date shall be determined by the City and the applicant, but in no case shall the completion date be more than one hundred fifty (150) days from the date of occupancy. The developer (or owner) shall hereby deposit a security of performance as specified in subsections 11-5-7B through C of the Subdivision Title as security to assure compliance with all landscaping and site requirements. If the developer or an agent of the developer fails to comply with the above installation and time requirements, the security of performance may be foreclosed upon by the City to cover costs of installing, repairing or replacing said landscaping and site developments.
- D. Undeveloped Area. All areas of the parcel on which development is taking place shall be regulated by this chapter. Land which is not covered by the building(s), parking lots, roads, landscaping or otherwise improved shall, as a minimum, be restored with natural vegetation and maintained so as not to create a weed nuisance (see Title 4 Chapter 2 of this Code), or the area may be maintained in agricultural production.

10-8-6: **PARKING REGULATIONS:** Except as herein provided, no building or structure shall be constructed, altered or converted for or to any use unless there shall be provided on the lot or parcel vehicle parking of at least the following ratio of vehicle spaces for the uses specified in the designated districts and that all roadways comply with the standards contained herein. The exception being that, an established use lawfully existing at the effective date hereof need not provide parking or roadways as herein set forth and that no existing vehicle parking or roadways be reduced or further reduced below the minimum standards herein required.

- 1. A. Schedule: In all districts, the following off-street parking schedule shall apply:
  - 1. Dwelling Unit:
    - a. Two (2) spaces for each unit, except as provided in subsection A1b and A1c of this Section.
    - b. Dwelling unit occupied by four (4) or more individuals unrelated by blood, marriage or adoption; two (2) spaces per three (3) individuals, plus one additional space for each additional individual exceeding three

- (3) and up to and including five (5) individuals.
- c. Multi unit residences for persons with disabilities and/or residential facility for the aged; when evidence presented by the applicant warrants, the Land Use Authority may allow a number less than two (2) space per dwelling unit; but not less than 1.5 spaces per dwelling unit to the City Council. (Ordinance Modification 002-02 03/26/02)
2. Clinic or Doctor's Office: Ten (10) spaces per clinic or four (4) spaces per doctor or dentist, plus three (3) additional spaces for each doctor or dentist over three (3).
3. Restaurant or Cafeteria: One space for each four (4) fixed seats and one space for each forty (40) square feet of floor area for moveable seating under maximum seating arrangement.
4. Office, General: One space for each two (2) employees working the shift with the greatest number of employees.
5. Commercial:
- a. Recreation And Amusement: One space for each two hundred fifty (250) square feet in use.
- b. Retail Or Personal Service: One space for each two hundred fifty (250) square feet in use.
6. Churches, Meeting Rooms, Public Assembly: One space for each five (5) fixed seats and one space for each fifty (50) square feet of floor area for moveable seating under maximum seating arrangement.
7. Storage or Warehouse: One space for each five thousand (5,000) square feet or floor area.
8. Manufacturing, Process or Repair: One space for each two (2) employees working the shift with the greatest number of employees.
2. B. General Requirements:
1. Buildings, Developments; Computation: In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements of all of the buildings, structures or uses in the development.
2. Single-Family Dwelling: Single-family dwelling unit (detached or attached) parking shall be provided only in a private garage, driveway, or in an area



properly located for a future garage.

3. Plan Approval: Prior to the issuance of any building permit, a plan which clearly and accurately designates parking spaces, access aisles, driveways and the relationship to the use to be served by the off-street parking shall be forwarded to the Land Use Authority for the process of City approval. Approval shall be based on:
  - a. Adequate number of spaces, including handicap spaces if required;
  - b. Relationship of parking to use;
  - c. All parking spaces being usable and accessible by adequate roadway/parking configuration; and
  - d. Parking stalls being nine feet in width by twenty feet in length (9' x 20') and on a hard paved surface (see subsection D of this Section for parking requirements for individuals with disabilities.). Access to all stalls shall also be of a paved hard surface.
4. Location: Parking space as required above shall be on the same lot with the main building, or in the case of nonresidential buildings, it may be located no further than three hundred feet (300') therefrom. (Zon. Ord., 5-8-1991)

**10-8-7: SITE REQUIREMENTS FOR SEASONAL, SEMI-PERMANENT, AND TEMPORARY BUSINESS FACILITIES:**

- A. Purpose: Provide a variety of business opportunities and increase sales revenue.
- B. Approval Authority: The Land Use Authority shall be the approving authority for site approvals for seasonal, semi-permanent, and temporary business facilities.

C. Definitions:

IMPROVED SITE

A lot in an approved subdivision in which utilities, including water and sewer, curb, gutter, and sidewalk, have been installed according to the approved construction drawings. Landscaping requirements may or may not have been met.

SEASONAL BUSINESS FACILITY

A facility for a business that is operated for a period of 120 days or less; generally associated with a season such as Summer or Fall produce sales, snow cone sales, etc.

SEMI-PERMANENT BUSINESS FACILITY

A facility for a business that is operated not more than nine months during a calendar year or nine consecutive months.

TEMPORARY BUSINESS FACILITY

A facility for a business that is operated for a

Unimproved Site

period of forty-five days or less; may be associated with an event, such as fireworks sales, Christmas trees sales, etc.

A parcel of property that does not have utilities, culinary water, or sewer (where required) service into the parcel; or

A future phase or a remainder parcel in a platted subdivision that does not have utilities, culinary water, or sewer (where required) service into the phase or parcel.

- D. Site Plan Agricultural and Residential Zones: Seasonal and temporary businesses in agricultural and residential zones shall comply with the requirements for a home business.
- E. Site Plan Commercial Zones: Seasonal and temporary business facilities may be located on improved sites or unimproved sites in CHD, CGD, CND, MXD zones with the following conditions:
1. Improved Site. Utilities (if required); parking must be asphalt; restrooms (may be portable units).
  2. Unimproved Site. Utilities (if required); parking and access must be an all weather surface to prevent tracking of mud and debris on the City right-of-way; if restrooms are required, portable units may be used.
  3. Must provide a signed statement from the property owner or assigns that the business may occupy the space and has permission to use the amenities listed in 1 or 2 above from the existing on-site or adjacent permanent facility.
  4. If a parking lot is used to house a temporary or seasonal business, the spaces used must be in excess of those spaces required for the permanent facility.
  5. Must comply with applicable City, County, State, and/or Federal codes, rules, and policies (including but not limited to building, fire, health). Zoning codes for setbacks and landscaping may not apply.
  6. Tents and temporary signs must be secured in such a manner that they not pose a hazard for buildings, vehicles, and/or pedestrians.
  7. If selling from a car, truck, van, trailer, tent, etc., it must not be located in a manner that blocks required building entrances/exits, ingress and egress, pedestrian and/or vehicular flow and visibility.

8. Must not be located in or on City owned property, including parkstrips and right-of-way, without written consent from the City or as part of a City sponsored event.
  9. Any facility structures, tents, trailers, vehicles, etc. must be removed within ten calendar days after the site approval expires. Temporary signs must be removed within 24 hours after the site approval expires.
- F. Semi-permanent business facilities shall be located on improved sites in CHD, CGD, CND, MXD zones with the following conditions:
1. Must provide a signed statement from the property owner or assigns that the business may occupy the space and has permission to use their utilities (other than culinary water and sewer), storm water facilities, and parking from the existing on-site or adjacent permanent facility. On-site or adjacent permanent facility must have enough parking to meet its requirements and excess to share with the semi-permanent business.
  2. Must have a separate culinary water connection as shown on the approved construction drawings for the development or as approved by the Public Works Director. If portable restroom(s) are used, a separate sewer connection will not be required.
  3. Must comply with applicable City, County, State, and/or Federal codes, rules, and policies (including but not limited to building, fire, and health). Must comply with zoning codes for setbacks and landscaping.
  4. Tents and temporary signs must be secured in such a manner that they not pose a hazard for buildings, vehicles, and/or pedestrians.
  5. Any structures, tents, trailers, debris, etc. must be removed within thirty calendar days after the site approval expires. Temporary signs advertising the business activity must be removed within 24 hours after the site approval expires.

**10-8-8: Low Power Towers and Antennas for Radio Communication.**

- A. This section addresses planning issues resulting from the rapid growth in demand for low-power radio services within the City. It distinguishes low-power radio from other broadcasting type telecommunication technologies and established provision relating to demand, visual mitigation, noise, engineering, residential impact, health, safety and facility siting. The requirements of this Section apply to both commercial and private low power radio services such as cellular or PCS (Personal Communication System) communications and paging systems (hereinafter referred to as "cellular facilities"). All cellular facilities shall comply with the regulations set forth in this Section, other applicable ordinances of the City, and any pertinent State and Federal regulations including Federal Communications Commission and the Federal Aviation Administration.

B. Definitions:

- |    |                                |  |
|----|--------------------------------|--|
| 1. | Low-powered Radio Service.     | Communication systems which are not used for the broadcasting of information to the public but instead for communication purposes between individuals or entities via radio waves. |
| 2. | Personal Communication System. | All forms of wireless communications which interconnect with the public switched telephone network.  |

C. All cellular facilities described herein shall be allowed as a conditional use subject to the conditions set forth in Section 10-3-5 of the Providence City Code. No other cellular facilities shall be allowed. A site plan is required as part of the conditional use application, see Providence City Code 10-8-5; except that when installing a stealth or monopole structure, the fenced area around the structure shall be considered the building for the ten-foot landscape requirement, not the structure or individual buildings within the fenced area. A minimum of one parking space and access drive will be required.

D. Wall-mounted antennas. A wall-mounted antenna is an antenna or series of individual antennas mounted against the vertical wall of a building. A wall-mounted antenna shall comply with the following development standards:

1. Wall-mounted antennas shall not extend above the roof line of the building more than four (4) feet.
2. Wall-mounted antennas may have a maximum area of forty (40) square feet, as determined by drawing straight lines between the outermost portions of the antenna until enclosed.
3. All equipment associated with the operation of the antenna shall be located within the structure to which the antenna is attached, or screened from public view.
4. If associated equipment is located on the ground, it shall be appropriately landscaped.
5. Whip antennas shall not be permitted.

E. Roof-Mounted Antennas. A roof-mounted antenna is an antenna or series of individual antennas mounted on a roof having less than or equal to a 3 – 12 pitch, mechanical room, or penthouse of a building. A roof-mounted antenna shall comply with the following development standards:



1. A roof-mounted antenna shall be screened, constructed, and/or colored to match the structure to which it is attached.
  2. A roof-mounted antenna shall be set back from the building edge one (1) foot for every one (1) foot of antenna height and shall not exceed fifteen (15) feet in height.
- F. Stealth-Fixture Antennas. A stealth-fixture antenna is one or more antennas attached to a supporting structure which is disguised as part of the structure or otherwise concealed from public view as much as reasonably possible. A stealth antenna shall be subject to the following development standards:
1. A stealth-fixture antenna may be attached to an existing or replacement power pole or light pole or disguised as a flag pole, man-made tree, clock tower, steeple or structure used primarily for another use so long as any antenna located on the structure does not detract visually from the primary use.
  2. When a stealth-fixture antenna is attached to an existing or replacement power pole or light pole the following conditions shall be met:
    - a. The antenna shall not exceed the height of an existing pole by more than:
      - ii. Ten (10) feet; or
      - iii. Twenty (20) feet and shall not be located closer to a residential zone boundary than two (2) times the height of the pole;
    - b. If a replacement pole is proposed, the pole shall be installed in the same location as the pole being replaced unless the Land Use Authority specifically approves a different location as provided in a conditional use permit; and
    - c.
      - i. any existing light or power pole located in a public right-of-way or in a required front or side yard shall not be increased in height to accommodate a cellular facility antenna; or
      - ii. Any replacement pole located in a public right-of-way or in a required front or side yard shall not be higher than the pole that it is replacing.
      - iii. Each installation shall be approved by the power utility company (or other utility company, as applicable), including approval and acceptance of any applicable agreements and payment of any required fees. Such approvals shall be received prior to final approval of a conditional use permit.
      - iv. A structure to which a stealth fixture antenna is attached shall be designed by a state-certified engineer to verify that the structure can support the stealth fixture antenna.

- v. The overall height of any structure proposed to be used for a stealth-fixture antenna shall be consistent with any similar structure being used as a model for the stealth structure. Except as otherwise provided in Subsection F.2.a.II. of this section stealth fixture shall be no more than ten (10) feet higher than the structure to which it is attached; provided the fixture and the structure to which it is attached is consistent with the character of similar structures located in the same area, as determined by the Land Use Authority. The Land Use Authority shall make specific findings to support its determination.
- vi. A stealth fixture antenna, including the mounting structure, shall not exceed thirty (30) inches in diameter; provided, however, that antennas exceeding thirty (30) inches, including the mounting structure, may be permitted if the antenna is a stealth fixture antenna located on or within a clock tower, steeple, man-made tree, or other similar structure.
- vii. Equipment and/or equipment shelters used in connection with stealth fixture antennas shall be camouflaged behind an effective year-round landscape buffer and/or wooden fence equal to the height of the proposed equipment. Equipment shelters shall not be located within a utility easement.
- viii. Stealth-fixture antennas and all associated equipment visible to public view shall be painted to match the color of the structure to which it is attached.
- ix. Electrical wiring shall be located within the pole whenever possible and shall be required when a metal replacement pole is provided.
- d. If a stealth-fixture antenna becomes obsolete or the structure to which it is attached is vacated by the operator of the cellular facility, then within ninety (90) days thereafter the cellular facility operator shall remove the antenna and all associated equipment and shall restore the structure to its original condition. If the requirements of this Subsection (d) are not met, the City shall have the right to enter the subject property and remove the equipment or pole at the expense of the cellular facility operator.
- e. A project plan application for a stealth-fixture shall include the following:

- i. A letter from the applicant stating the applicant will conform to the requirements of Subsection (d) above; and
    - ii. Verification that the applicant owns the property where the stealth-fixture antenna is proposed to be located or a copy of a lease agreement with the property owner indicating the antenna may be located on the property.
  - f. If all the conditions set forth in this Subsection cannot be met, the requirements of Subsection G below shall apply.
- G. Monopole Structures. A monopole structure is a single pole that acts as the support structure for one (1) or more antennas for a cellular facility as provided in this Subsection.
  - 1. A monopole structure shall comply with the following development standards:
    - a. All tower structures shall be of monopole construction. No lattice constructed towers of any kind shall be allowed.
    - b. All monopole structures shall be designed by a state-certified engineer to allow co-location of antennas owned by at least three (3) separate users on a single pole.
    - c. No monopole structure shall be located closer to a residential zone boundary than two (2) times the height of the monopole.
    - d. A monopole with antennas and antenna support structures shall not be located in a required front setback, front landscaped area, buffer area, or required parking area.
    - e. If a monopole antenna becomes obsolete, then within ninety (90) days thereafter the operator of the cellular facility shall remove the antenna, the top three (3) feet of antenna footing and all associated equipment, and shall restore the site to its original condition. If the requirements of this Subsection are not met, the City shall have the right to enter the subject property and remove the equipment at the expense of the cellular facility operator.
    - f. No monopole structure shall exceed 150 feet in height.
  - 2. An application for a monopole structure shall include the following:
    - a. A letter from the applicant stating that the applicant will conform to the requirements of Subsection e above, and that the monopole structure is capable of supporting co-located antennas; and
    - b. Verification that the applicant owns the property where the monopole structure is proposed to be located, or a copy of a lease agreement with the property owner indicating the antenna may be located on the property.

3. Co-location on an existing monopole structure shall be a conditional use and shall be handled administratively.
- H. Temporary Monopole Structures. A temporary monopole structure may be allowed for a maximum of sixty (60) days subject to the following requirements:
1. A temporary monopole structure shall be located in a zone that allows for the placement of a monopole structure as a conditional use.
  2. An application shall be filed with the City for the placement of a permanent monopole structure prior to the placement of a temporary monopole structure.
  3. The placement of a temporary monopole structure shall meet the height requirement set forth in Subsection 10-8-8:G.1.f. of this Section.
  4. A bond in the amount of five hundred dollars (\$500.00) shall be posted to guarantee removal of a temporary monopole structure when:
    - a. A permanent monopole structure is constructed; or
    - b. Sixty (60) days have elapsed and a temporary monopole structure has not been removed. One fifteen (15) day extension may be granted to the sixty (60) day period if an applicant can reasonably demonstrate a need for additional time to complete construction of the monopole structure.
- I. Additional requirements.
1. Each cellular facility shall be considered as a separate use; and an annual business license shall be required for each such facility.
  2. In addition to the conditional use standards set forth in Section 10-3-5, the Land Use Authority shall make the following findings for any cellular facility subject to a conditional use permit:
    - a. That the proposed structure is compatible with the height and mass of existing building and utility structures;
    - b. That co-location of the antenna or other existing structures in the same vicinity such as other towers, buildings, water towers, utility poles etc. are possible without significantly impacting antenna transmission or reception;
    - c. That the antenna location blends with existing vegetation, topography and buildings;
    - d. That the location approval of monopoles will not create a detrimental impact to adjoining properties; and
    - e. That location of cellular facility will not interfere with existing transmission signals.



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## ZONING

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### Background

A zoning ordinance was prepared and approved by the city council in 1991. Although eight zones were approved, most of the city was zoned 'R1' for 'single family residential', and 'A' for 'agricultural'. In the late 1980's the first 'R2', 'single family 10,000 sf lot, was approved. In 1996 the Utah State Legislature passed the 'Affordable Housing Bill #295, effective 1998, requiring each jurisdiction to provide their share of affordable housing. In order to meet this requirement a new use chart providing additional zones was adopted in 1999. Smaller lot size in single family, multi-family, and commercial zones were part of this latest a modification approved in 2000. In 2009 the City approved a modification to include the Mixed Use District (MXD).

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### Principles

- Protect and promote the health, safety, order, prosperity, and general welfare of the present and future inhabitants of the City.
- Protect life and property from natural hazards, and assure efficient and safe traffic movement.
- Conserve the value and integrity of rural residential neighborhoods, assure orderly growth, preserve culturally and historically important sites and landmarks, encourage good visual quality, and high aesthetic standards.
- Efficiently utilize and conserve the City's resources.
- Encourage attractive and functional commercial centers, and increase and stabilize the local tax base.

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### Master Plan Directive

The major goal of master plan zoning is to propose the direction in which the remaining areas of the city should develop. The city has accepted its responsibility for affordable housing by upgrading the use chart to include higher density zones. These zones should generally be on the perimeter of the city with good access to major roads without going through the core of the city. Zoning limits the number of houses per acre and allows for flexible development concepts.

The property along Highway 165 and the northwest part of Providence must be limited to commercial development. Development should consist mostly of retail sales to allow an increase in the city tax base (Commercial Highway District – CHD). Commercial development outside of the mixed-use district should have at least 30% green space to preserve the open and green character of the city. (Res 09-035-12/08/2009)

When planning for commercial development, the City should consider the following characteristics for each commercial district:

#### District

#### Description

Mixed Use (MXD)

The Mixed Use District (MXD) is established to stimulate by providing a unique planning environ which combines light commercial, office, and residential development in a pedestrian friendly manner. This district allows increased development on busier streets without fostering a strip commercial appearance. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new housing opportunities in the City.

Commercial  
Neighborhood (CND)

The Commercial Neighborhood District (CND) is intended for small sites in or near residential neighborhoods. The district encourages the provision of small scale retail and service uses for nearby residential areas, and other uses which are small scale and have little impact. Uses are limited in size to promote a local orientation and to limit adverse impacts on nearby residential area. Development is intended to be compatible with the scale of surrounding residential areas. Parking area are restricted, since their appearance is generally out of character with the surrounding residential development and the desired orientation of the uses.

Commercial General  
(CGD)

The Commercial General District is intended to allow auto-accommodating commercial development. This district allows a full range of retail and service businesses. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. Development is expected to be generally auto-accommodating, except where the site is adjacent to a transit street or in pedestrian areas. Development standards promote attractive development, and open and pleasant street appearance, and compatibility with adjacent residential areas. Development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and the businesses themselves.

Commercial Highway  
(CHD)

The Commercial Highway District (CHD) is intended to promote full range of retail businesses. Development is expected to be generally auto-accommodating, except where the site is adjacent to a transit street or in pedestrian areas. Non-retail uses are allowed but limited in size to ensure they do not dominate the character of the of the retail area.

No building construction should be considered above the deer fence.

Flexible planning concepts should be incorporated into the zoning ordinances allowing the city greater



opportunity to create neighborhoods consistent with the Master Plan principles.

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Current concerns include:

1. 1999 Use Chart  
The master plan does not currently display the desirable areas for the new zones.
2. Zoning ordinance need further coordination and clarification, including:  
performance based zoning criteria.
3. The new use chart may allow too many small lots

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Future Needs:

#### Residential

- Planning for safe neighborhoods.
- Planning neighborhoods consistent with Master Plan principle.
- As property currently in the County, on the north side of the City, is annexed into Providence, it should be zoned Single-Family Traditional (SFT).
- As property currently in the County, on the east side of the City, is annexed into Providence, it should be zoned Single-Family Traditional (SFT).

#### Commercial

- Consider neighborhood commercial at ~~8th south and 10th east~~ 1000 South 300 East, 3rd north and 1st east West.
- Offer incentives for retail development.
- Development pays up-front cost.
- Rezone the property on the west side of SR165 to Commercial Highway District (CHD)
- Rezone the property on the east and west sides of SR165 to CHD from 300 South to the Providence / Millville boundary, as the property is annexed into the City.

#### Annexation

- Preserve and protect annexation declaration. Include Theurer property at southwest, and Celco property at southeast bench. Also include all properties south of Oliver Low's to USU property and west side of Hwy 165, and designate for commercial.